

1 AN ACT concerning criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Criminal Code of 1961 is amended by
5 adding Section 16D-5.5 as follows:

6 (720 ILCS 5/16D-5.5 new)

7 Sec. 16D-5.5. Computerized dissemination of information
8 in furtherance of gang-related activity.

9 (a) A person commits the offense of computerized
10 dissemination of information in furtherance of gang-related
11 activity when he or she, by use of the Internet or an on-line
12 service, disseminates any verbal, written, or pictorial items
13 or imagery used by a criminal street gang and distributed in
14 furtherance of the activities of the criminal street gang
15 including, but not limited to, recruiting or aiding in the
16 recruitment of criminal street gang members, communications
17 between criminal street gang members, or communications from
18 criminal street gang members to the general public offering
19 gang-related goods or services for sale, including controlled
20 substances.

21 (b) Defenses. It is not a violation of this Section to:

22 (1) Disseminate gang-related data communication
23 between law enforcement agencies or law enforcement
24 officers;

25 (2) Disseminate gang-related information for
26 purposes of law enforcement, including posting of Web
27 pages by law enforcement agencies or law enforcement
28 officers to inform the public of the existence of imagery
29 of specified criminal street gangs; or

30 (3) Disseminate gang-related information for
31 purposes of news gathering and news publication.

1 (c) Libraries. It is not a violation of this Section for
2 an employee of a public library or a library of an
3 institution of higher learning to provide a person access to
4 Internet services or other on-line services through the
5 library's computer network or the library's computer if,
6 without knowledge by the employee of the library, the patron
7 of the library disseminates, by use of the library's computer
8 access to the Internet or an on-line service, information in
9 furtherance of gang-related activity.

10 (d) Sentence. Computerized dissemination of information
11 in furtherance of gang-related activity is a Class 4 felony.

12 (e) Definitions. For purposes of this Section:

13 (1) "Criminal street gang" and "gang-related" have
14 the meanings ascribed to them in Section 10 of the
15 Illinois Streetgang Terrorism Omnibus Prevention Act.

16 (2) "Internet" includes the World Wide Web,
17 electronic mail, a message board, a chat area, a
18 newsgroup posting, or Internet file transfer.